

AMENDED IN SENATE MAY 13, 1998  
AMENDED IN ASSEMBLY JUNE 2, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## ASSEMBLY BILL

No. 1382

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**Introduced by Assembly Member Olberg**  
**(Coauthors: Assembly Members Aguiar, Alby, Ashburn,**  
**Battin, Bowler, Campbell, Cunneen, Gallegos, Granlund,**  
**House, Margett, Miller, Morrissey, Oller, Poochigian,**  
**Richter, Thompson, Wayne, and Woods)**  
(Coauthors: Senators Costa, Haynes, Knight, and Leslie)

February 28, 1997

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An act to amend Section 2800.3 of Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1382, as amended, Olberg. Vehicles: crimes: penalties.

~~(1) Existing~~

*Existing* law makes it a misdemeanor or a felony for any person to willfully flee or attempt to elude a pursuing peace officer and proximately cause serious bodily injury, as defined, or death to any person. A violation of this provision is punishable by specified terms of imprisonment in the county jail or in the state prison, by specified fines, or by both the fines and imprisonment.

This bill would *increase the term of imprisonment in the state prison to 3, 4, or 5 years and would revise a cross-reference in those provisions;* ~~instead, make the crime~~

~~specified above punishable only as a felony. A violation causing specified types of bodily injury would be punishable by imprisonment in the state prison for 8 years. A violation causing death would be punishable by imprisonment in the state prison for not less than 25 years nor more than 30 years.~~

~~To the extent that eliminating the option of punishing the offense as a misdemeanor would increase the level of service required of local governmental entities, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2800.3 of the Vehicle Code is  
2 amended to read:

3 2800.3. (a) ~~Whenever willful flight or attempt to~~  
4 ~~elude a pursuing peace officer in violation of Section~~  
5 ~~2800.1 proximately causes a concussion that results in a~~  
6 ~~loss of consciousness, a bone fracture, a protracted loss or~~  
7 ~~impairment of function of any bodily part, or serious~~  
8 ~~disfigurement to any person, the person driving the~~  
9 ~~pursued vehicle, upon conviction, shall be punished by~~  
10 ~~imprisonment in the state prison for eight years.~~

11 (b) ~~Whenever willful flight or attempt to elude a~~  
12 ~~pursuing peace officer in violation of Section 2800.1~~  
13 ~~proximately causes the death of any person, the person~~  
14 ~~driving the pursued vehicle, upon conviction, shall be~~  
15 ~~punished by imprisonment in the state prison for not less~~  
16 ~~than 25 years nor more than 30 years.~~

17 (c) ~~Any sentence imposed under this section shall be~~  
18 ~~served consecutively with any other sentence.~~

19 SEC. 2. ~~No reimbursement is required by this act~~  
20 ~~pursuant to Section 6 of Article XIII B of the California~~

~~Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.~~

~~amended to read:~~

2800.3. Whenever willful flight or attempt to elude a pursuing peace officer in violation of Section 2800.1 proximately causes death or serious bodily injury to any person, the person driving the pursued vehicle, upon conviction, shall be punished by imprisonment in the state prison for ~~two~~, three, ~~or~~ four, *or five* years, by imprisonment in the county jail for not more than one year, or by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

For purposes of this section, “serious bodily injury” has the same meaning as defined in paragraph ~~(5)~~—(4) of subdivision (f) of Section 243 of the Penal Code.